

33. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
Schakowsky OF Illinois, OR Her  
DESIGNEE, DEBATABLE FOR 10 MINUTES:

39 Revised - Revised  
(2<sup>nd</sup> Revision)

**AMENDMENT TO H.R. 1585, AS REPORTED  
OFFERED BY MS. SCHAKOWSKY OF ILLINOIS  
and MR. PRICE of NORTH CAROLINA**

Strike sections 831, 832, and 833, and insert the

following:

1 **SEC. 831. MEMORANDUM OF UNDERSTANDING ON MAT-**  
2 **TERS RELATING TO CONTRACTING.**

3 (a) MEMORANDUM OF UNDERSTANDING RE-  
4 QUIRED.—The Secretary of Defense, the Secretary of  
5 State, and the Administrator of the United States Agency  
6 for International Development shall enter into a memo-  
7 randum of understanding regarding matters relating to  
8 contracting for contracts in Iraq or Afghanistan.

9 (b) RESTRICTIONS ON CONTRACTING UNTIL MEMO-  
10 RANDUM SIGNED.—

11 (1) RESTRICTION.—Except as provided in para-  
12 graph (2), on and after January 1, 2008, no con-  
13 tracts in Iraq or Afghanistan may be awarded by the  
14 Department of Defense, the Department of State, or  
15 the United States Agency for International Develop-  
16 ment (A) unless the memorandum required by sub-  
17 section (a) has been signed by the Secretary of De-  
18 fense, the Secretary of State, or the Administrator  
19 of the United States Agency for International Devel-

1        opment, respectively; and (B) the department or  
2        agency concerned has initiated use of the common  
3        database identified in such memorandum to track  
4        contracts in Iraq or Afghanistan.

5            (2) WAIVER.—

6            (A) The President may waive the restric-  
7        tion in paragraph (1) for a period of 45 days  
8        if the President determines in writing that, but  
9        for such a waiver, there would be substantial  
10       harm to critical national security objectives and  
11       submits the determination, including the rea-  
12       sons for such determination, to the relevant  
13       committees of Congress at least 15 days before  
14       issuing the waiver.

15           (B) Such waiver may be renewed for one  
16        additional 45-day period if the President sub-  
17        mits a determination in writing to the relevant  
18        committees of Congress that renewal of the  
19        waiver is necessary to avoid substantial harm to  
20        critical national security objectives.

21        (c) MATTERS COVERED.—The memorandum of un-  
22       derstanding required by subsection (a) shall address, at  
23       a minimum, the following:

24            (1) Identification of the major categories of  
25        contracts in Iraq or Afghanistan being awarded by

1 the Department of Defense, the Department of  
2 State, or the United States Agency for International  
3 Development.

4 (2) Identification of the roles and responsibil-  
5 ities of each department or agency for matters relat-  
6 ing to contracting for contracts in Iraq or Afghani-  
7 stan.

8 (3) Responsibility for authorizing the carrying  
9 of weapons in performance of such contracts.

10 (4) Responsibility for establishing minimum  
11 qualifications, including background checks, for per-  
12 sonnel carrying weapons in performance of such con-  
13 tracts.

14 (5) Responsibility for setting rules of engage-  
15 ment for personnel carrying weapons in performance  
16 of such contracts.

17 (6) Responsibility for establishing procedures  
18 for, and the coordination of, movement of contractor  
19 personnel in Iraq or Afghanistan.

20 (7) Identification of a common database that  
21 will serve as a repository of information on all con-  
22 tracts in Iraq or Afghanistan, and agreement on the  
23 elements to be included in the database, including,  
24 at a minimum, with respect to each contract—

25 (A) a brief description of the contract;

1 (B) the value of the contract;

2 (C) the amount of cost ascribed to over-  
3 head for the contract;

4 (D) the amount of cost ascribed to security  
5 for the contract;

6 (E) the total number of personnel em-  
7 ployed on the contract; and

8 (F) the total number of personnel em-  
9 ployed on the contract who provide security in  
10 Iraq or Afghanistan.

11 (8) Responsibility for maintaining and updating  
12 information in the common database identified  
13 under paragraph (7).

14 (9) Responsibility for the collection and referral  
15 to the appropriate Government agency of any infor-  
16 mation relating to offenses under chapter 47 of title  
17 10, United States Code (the Uniform Code of Mili-  
18 tary Justice) or chapter 212 of title 18, United  
19 States Code (commonly referred to as the Military  
20 Extraterritorial Jurisdiction Act), including a clari-  
21 fication of responsibilities under section 802(a)(10)  
22 of title 10, United States Code (article 2(a) of the  
23 Uniform Code of Military Justice), as amended by  
24 section 552 of the John Warner National Defense

1 Authorization Act for Fiscal Year 2007 (Public Law  
2 109-364).

3 (10) Responsibility for the issuance of guidance,  
4 as appropriate, on equipment used by contractor  
5 personnel, including guidance on appropriate vehi-  
6 cles, uniforms, body armor, and weapons.

7 (11) Responsibility for the collection and main-  
8 tenance of information relating to casualties suffered  
9 by personnel working on contracts in Iraq or Af-  
10 ghanistan.

11 (d) COPIES PROVIDED TO CONGRESS.—

12 (1) MEMORANDUM OF UNDERSTANDING.—Cop-  
13 ies of the memorandum of understanding required  
14 by subsection (a) shall be provided to the relevant  
15 committees of Congress within 30 days after the  
16 memorandum is signed.

17 (2) DATABASE.—The Secretary of Defense, the  
18 Secretary of State, or the Administrator of the  
19 United States Agency for International Development  
20 shall provide access to the common database identi-  
21 fied under subsection (c)(7) to the relevant commit-  
22 tees of Congress.

23 (3) CONTRACTS.—Effective on the date of the *awarded*  
24 enactment of this Act, copies of any contracts<sup>✓</sup> in  
25 Iraq or Afghanistan shall be provided to any of the

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1 relevant committees of Congress within 15 days  
2 after the submission of a request for such contract  
3 or contracts from such committee to the department  
4 or agency managing the contract.

5 **SEC. 832. COMPTROLLER GENERAL REVIEWS AND RE-**  
6 **PORTS ON CONTRACTING IN IRAQ AND AF-**  
7 **GHANISTAN.**

8 (a) **REVIEWS AND REPORTS REQUIRED.—**

9 (1) **IN GENERAL.**—Every six months, the  
10 Comptroller General shall review contracts in Iraq or  
11 Afghanistan and submit to the relevant committees  
12 of Congress a report on such review.

13 (2) **MATTERS COVERED.**—A report under this  
14 subsection shall cover the following with respect to  
15 the contracts in Iraq or Afghanistan reviewed for the  
16 report:

17 (A) Total number of contracts awarded  
18 during the period covered by the report.

19 (B) Total number of active contracts.

20 (C) Total value of all contracts awarded  
21 during the reporting period.

22 (D) Total value of active contracts.

23 (E) Total number of contractor personnel  
24 working on contracts during the reporting pe-  
25 riod.

1 (F) Total number of contractor personnel  
2 who have provided security in Iraq or Afghani-  
3 stan for contracts during the reporting period.

4 (G) Categories of activities undertaken in  
5 reviewed contracts.

6 (H) The extent to which such contracts  
7 have used competitive procedures.

8 (I) The extent to which such contracts  
9 have achieved the initial scope of requirements  
10 included in the contracts.

11 (J) The effect of costs for security on such  
12 contracts and whether contracting for security  
13 on such contracts rather than government-pro-  
14 vided security is more effective, efficient, and  
15 consistent with the United States policy goals.

16 (K) Information on any specific contract or  
17 class of contracts that the Comptroller General  
18 determines raises issues of significant concern.

19 (3) SUBMISSION OF REPORTS.—The Comp-  
20 troller General shall submit an initial report under  
21 this subsection not later than March 1, 2008, and  
22 shall submit an updated report every six months  
23 thereafter until March 1, 2010.

24 (b) ACCESS TO DATABASE ON CONTRACTS.—The  
25 Secretary of Defense, the Secretary of State, and the Ad-



1   ministrator for the United States Agency for International  
2   Development shall provide full access to the database de-  
3   scribed in section 831(c)(7) to the Comptroller General  
4   for purposes of the reviews carried out under this section.

5   **SEC. 833. DEFINITIONS.**

6       In this subtitle:

7           (1) MATTERS RELATING TO CONTRACTING.—

8       The term “matters relating to contracting”, with re-  
9       spect to contracts in Iraq and Afghanistan, means  
10      all matters relating to awarding, funding, managing,  
11      tracking, monitoring, and providing oversight to con-  
12      tracts and contractor personnel.

13          (2) CONTRACTS IN IRAQ OR AFGHANISTAN.—

14      The term “contracts in Iraq or Afghanistan” means  
15      a contract with the Department of Defense, the De-  
16      partment of State, or the United States Agency for  
17      International Development, a subcontract at any tier  
18      issued under such a contract, or a task order at any  
19      tier issued under such a contract (including a con-  
20      tract, subcontract, or task order issued by another  
21      Government agency for the Department of Defense,  
22      the Department of State, or the United States Agen-  
23      cy for International Development), if the contract,  
24      subcontract, or task order involves worked per-

1       formed in Iraq or Afghanistan for a period longer  
2       than 14 days.

3           (3) RELEVANT COMMITTEES OF CONGRESS.—  
4       The term “relevant committees of Congress” means  
5       each of the following committees:

6           (A) The Committees on Armed Services of  
7       the Senate and the House of Representatives.

8           (B) The Committee on Homeland Security  
9       and Governmental Affairs of the Senate and the  
10      Committee on Oversight and Government Re-  
11      form of the House of Representatives.

12          (C) The Committee on Foreign Relations  
13      of the Senate and the Committee on Foreign  
14      Affairs of the House of Representatives.

15          (D) For purposes of contracts relating to  
16      the National Foreign Intelligence Program, the  
17      Select Committee on Intelligence of the Senate  
18      and the Permanent Select Committee on Intel-  
19      ligence of the House of Representatives.